

REMARKS

Applicants acknowledge withdrawal of claims 1-59 from consideration and the finality of the restriction requirement, dated September 29, 2006. Applicants have inserted the missing application numbers in the specification as directed and reconsideration of the objections of the specification is respectfully requested.

Initially, Applicants disagree with the Examiner's assertion that the restriction requirement of August 2, 2006 is proper. The Examiner contends that the claims should be restricted into five groups. Applicants, however, believe that the claims are improperly grouped and propose that the claims should be grouped as follows:

Group I (Claims 1-21): Pressure isolation mechanism and fluid path set with pressure isolation mechanism (NOTE: this Group is identical to the Examiner's Group I).

Group II (Claims 22-26): Drip chamber and fluid path set with drip chamber (NOTE: this Group includes the Examiner's Group II and Group III).

Group III (Claims 27-75): Connector, injector system with connector and fluid path set with connector (NOTE: This Group includes the Examiner's Groups IV-VI).

The Examiner contends that the original groupings of claims are distinct because the inventions of original Groups I-VI are related as subcombinations disclosed as usable together in a single combination. In order for such a restriction requirement to be valid, the Examiner must show, *by way of example*, that one of the subcombinations has utility other than in the disclosed combination (see MPEP § 806.05(d)). The Examiner has provided no such example. For instance, the Examiner has not illustrated that the drip chamber of Group II has a utility other than in the fluid path set of Group III. Additionally, the Examiner has not provided an example of a utility for the connector of Group IV other than in the injector system of Group V and the fluid path set of Group VI. Instead, the Examiner has merely relied on a broad recitation that the subcombinations Groups I-VI have separate utilities without providing an explicit example of such separate utilities. Accordingly, Applicants believe that the Examiner's Group II and Group III should be grouped together as shown above in proposed Group II, and the Examiner's Group IV-VI should be grouped together as shown above in proposed Group III.

For the reasons set forth hereinabove, Applicants respectfully request withdrawal of the finality of the Restriction requirement of August 2, 2006, approval of the above proposed grouping of claims and examination of claims 27-75 (Group III) on the merits.

This Amendment amends independent claim 60 with a minor clarifying change to this claim to identify that the first threaded member is coaxially disposed in the outer housing. Support for this clarifying change is set forth in paragraph [00186] of the specification.

Claims 60-68 and 72-75 stand rejected under 35 USC § 102(b) for anticipation by United States Patent No. 6,096,011 to Trombley III et al. Claim 60, 61, 68, and 69 stand rejected under 35 USC § 102(b) for anticipation by United States Patent No. 6,371,942 to Schwartz et al. Finally, claims 60-67 and 70-73 stand rejected under 35 USC § 102(b) for anticipation by 5,618,268 to Raines et al. Applicants respectfully request reconsideration of these rejections.

As noted, independent claim 60 includes the clarifying addition of the word “coaxially” to identify the general arrangement of the first threaded member in the outer housing. This clarifying change is not believed necessary to distinguish over the cited references but is provided to clarify the foregoing arrangement in the hopes of expediting prosecution of the application. In the Office Action, the arrangement in Fig. 4 of Trombley is cited in connection with claim 60. In this arrangement, a first member (155) and a second member (175) are adapted to form a connection. First member (155) includes a threaded outer portion (170). Second member (175) includes a threaded inner portion (192). Second member (175) further includes a penetrating element (182) that is adapted to penetrate a flexible septum (160) disposed at a forward surface (172) of first member (155).

With respect to Schwartz, the association of syringe (22) with a supply port (20) is cited in the Office Action in connection with claim 60. Supply port (20) appears to terminate in a structure that threadably engages an internally threaded portion at the distal end of syringe (22). This internally threaded portion is formed with an internal male luer that engages supply port (20) which is formed with a female luer.

Lastly, Raines is cited in connection with the connecting arrangement claimed in claim 60. In particular, Figs. 8-9 of Raines are apparently identified in the Office Action in connection with the claimed connecting arrangement. For example, in Fig. 9A, tubular section

(16) terminates at a distal end with exterior thread (64). A counterpart engaging tube connector (65) having a connector body portion (66) is adapted to connect to tubular section (16) and defines internal threads (74) to engage the exterior thread (64) on tubular section (16). Tubular section (16) is generally formed as a female luer and tube connector (65) receives medical tubing (69) that may be seated within the female luer structure of tubular section (16).

Close inspection of Fig. 4 of Trombley, Fig. 1 of Schwartz, and Fig. 9A of Raines will quickly reveal that none of the illustrated connecting structures can be considered to have an outer housing with a first threaded member disposed in the outer housing. Nonetheless, to further clarify that this claimed arrangement is not present in any of the cited references, Applicants have further identified that the first threaded member is coaxially disposed in the outer housing. In Fig. 4 of Trombley, the only structure that could be considered to be disposed in a "housing" is penetrating element (182) and this structure is clearly not threaded. In Schwartz, neither of the connecting luers associated with syringe (22) and supply port (20) are threaded. Moreover, to clarify further, only the male luer associated with syringe (22) is arguably provided in an outer housing structure and, as with Trombley, this male luer is not threaded. Lastly, with respect to Raines, tubular section (16) lacks any internally disposed structure that could be considered to be a threaded member. As indicated previously, counterpart tube connector (65) allows medical tubing (69) to be inserted therein. However, such medical tubing (69) is not physically part of tube connector (65) as it is just passed therethrough and is, therefore, not a member disposed in an outer housing as part of a medical connector as set forth in claim 60. Moreover, it is abundantly clear that medical tubing (69) is not threaded and there is no basis based on the teachings of Raines to provide a threaded structure disposed coaxially or otherwise in tube connector (65) for any of the disclosed embodiments in this patent.

In view of the foregoing, the cited references individually fail to teach a connector comprising an outer housing and a threaded member coaxially disposed in the outer housing. Accordingly, independent claim 60 cannot be anticipated by any of these references. Since claims 61-75 depend directly or indirectly from independent claim 60, they likewise cannot be anticipated by the cited references. Reconsideration of all the rejections is respectfully requested.

Should the Examiner have any questions regarding any of the foregoing or wish to discuss this application in further detail to advance prosecution, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

By _____



Ryan J. Miller
Registration No. 56,236
Agent for Applicant under Rule 1.34